

E-FILED on 05/11/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FRANCISCO J. AGUILAR,
Plaintiff,

v.

CHASE HOME FINANCE, LLC, JP
MORGAN CHASE BANK N.A., FIRST
AMERICAN LOANSTAR TRUSTEE
SERVICES, and DOES 1-50, inclusive,
Defendants.

No. C-09-00532 RMW


ORDER GRANTING DEFENDANTS'
MOTIONS TO DISMISS

[Re Docket No. 4, 11, 20, 22]

Defendants Chase Home Finance, LLC, JP Morgan Chase Bank N.A., and First American Loanstar Trustee Services move to dismiss plaintiff Francisco J. Aguilar's complaint. No opposition to the motions has been filed. The complaint does not allege factual basis giving rise to a claim for relief. For example, it seems that the loan documents did not need to be provided in Spanish, because California Civil Code § 1632(b) requires only that translated documents must be provided for "[a] loan or extension of credit secured *other than by real property*, or unsecured, for use primarily for personal, family, or household purposes." Cal. Civ. Code § 1632(b) (emphasis added). It also does not appear to be a legal requirement that possession of an original promissory note is necessary to initiate a non-judicial foreclosure. The court therefore grants the motions to dismiss.

1 The court is reluctant to grant leave to amend since counsel was unprepared to explain to the
2 court how plaintiff could successfully amend. Nevertheless, given that leave to amend should be
3 liberally granted, plaintiff is given twenty days leave to amend.

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7 DATED: 05/09/09



RONALD M. WHYTE
United States District Judge

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United States District Court
For the Northern District of California

1 Notice of this document has been electronically sent to:

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7 Counsel are responsible for distributing copies of this document to co-counsel that have not
8 registered for e-filing under the court's CM/ECF program.

9
10 **Dated:** 05/11/09

JAS
Chambers of Judge Whyte